

Message Text

PAGE 01 STATE 137854

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ORIGIN OES-04

INFO OCT-01 EA-06 ISO-00 FEA-01 AID-05 CEQ-01 CIAE-00

OFA-01 COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-10 L-03

NSF-01 NSC-05 NSAE-00 PM-03 USIA-06 SS-15 SP-02

TRSE-00 OMB-01 XMB-02 /082 R

DRAFTED BY OES/ENP/EN:HSPIELMAN:EF

APPROVED BY OES/ENP/EN:LGRANT

EA/J:MR. DUNKERLEY (DRAFT)

L/OES:MR. CROOK (DRAFT)

EPA:MR. LLOYD (DRAFT)

COMMERCE:MR. ABBUHL (DRAFT)

CEQ:MR. SLAWECKI (DRAFT)

----- 022630

R 122235Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

LIMITED OFFICIAL USE STATE 137854

E.O. 11652: NA

TAGS: SENV, JA, US

SUBJECT: DRAFT U.S.-JAPAN BILATERAL ENVIRONMENTAL
AGREEMENT

REF: (A) TOKYO 7075; (B) TOKYO 5185; (C) TOKYO 5396;
(D) STATE 261253, 27 NOV. 1974

1. WE CONCUR IN JAPANESE DESIRE EXPRESSED IN PARA 3,
REF (A), TO REACH EARLY ACCORD RE TEXT OF SUBJECT AGREE-
MENT SO THAT, IF APPROPRIATE, BILATERAL MIGHT BE SIGNED
DURING HIGH-LEVEL JAPANESE VISITS TO U.S. PLANNED DURING
PERIOD AUGUST/OCTOBER, 1975. ACCORDINGLY, U.S. IS PREPARED
TO AGREE TO TEXT OF ARTICLE 5 AND AGREED MINUTE SUBSTAN-
TIALY AS PROPOSED BY JAPANESE IN REFS (B) AND (C) WITH
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PAGE 02 STATE 137854

MINOR MODIFICATIONS BASED ON 1974 OECD COUNCIL DECISION
AND ON UNDERSTANDING THAT AGREED MINUTE WOULD BE INTEGRAL
PART OF PUBLISHED TEXT OF BILATERAL. AS JAPANESE HAVE
NEVER RAISED ISSUE, WE ASSUME THIS WOULD POSE NO PARTICULAR

PROBLEM.

2. AS REFLECTED IN REFS (B) AND (C), AGREED TEXTS WOULD
READ AS FOLLOWS:

"ARTICLE 5"

"THE TWO GOVERNMENTS REAFFIRM THAT THE RECOMMENDATIONS OF
INTERNATIONAL ORGANIZATIONS TO WHICH BOTH COUNTRIES ARE
PARTIES WILL BE TAKEN INTO ACCOUNT IN FORMULATING
THEIR RESPECTIVE ENVIRONMENTAL POLICIES."

"AGREED MINUTE"

"THE REPRESENTATIVES OF THE GOVERNMENT OF JAPAN AND OF
THE GOVERNMENT OF THE UNITED STATES OF AMERICA WISH TO
RECORD THE FOLLOWING AGREEMENT REACHED DURING THE NEGOTIA-
TIONS FOR THE AGREEMENT BETWEEN THE GOVERNMENT OF JAPAN
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON
COOPERATION IN THE FIELD OF ENVIRONMENTAL PROTECTION,
SIGNED TODAY."

"IT IS AGREED THAT, IN IMPLEMENTING THE PROVISIONS OF
ARTICLE 5 OF THE ABOVE-MENTIONED AGREEMENT, THE TWO
GOVERNMENTS REAFFIRM THAT THE 'GUIDING PRINCIPLES CON-
CERNING INTERNATIONAL ECONOMIC ASPECTS OF ENVIRONMENTAL
POLICIES' ADOPTED IN 1972 AND REAFFIRMED IN 1974 BY THE
COUNCIL OF THE ORGANIZATION FOR ECONOMIC COOPERATION AND
DEVELOPMENT, AND ANY GUIDING PRINCIPLE OR IMPLEMENTING
RECOMMENDATIONS AMENDATORY OR SUPPLEMENTARY THERETO WILL
CONTINUE TO SERVE AS A BASIS FOR THE FORMULATION OF THEIR
RESPECTIVE ENVIRONMENTAL POLICIES."

3. REQUEST EMBASSY CONFIRM WITH JAPANESE ACCURACY OF
ABOVE TEXTS, THEIR AGREEMENT THERETO, AND INCLUSION OF
AGREED MINUTE AS INTEGRAL PART OF PUBLISHED TEXT OF
BILATERAL.

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PAGE 03 STATE 137854

4. BALANCE OF TEXT WOULD BE AS FOUND IN REF (B), WITH
THE FOLLOWING MODIFICATIONS, BASED ON OUR COMMENTS CON-
TAINED REF (D):

ARTICLE 8 - ACTIVITIES UNDER THIS AGREEMENT SHALL BE
SUBJECT TO BUDGETARY APPROPRIATIONS, THE AVAILABILITY OF
APPROPRIATED FUNDS, AND THE LAWS AND REGULATIONS OF EACH
COUNTRY.

ARTICLE 9 - THE TERMINATION OF THIS AGREEMENT SHALL NOT
AFFECT THE COMPLETION OF ANY PROJECT AND PROGRAM UNDER-
TAKEN IN ACCORDANCE WITH THE IMPLEMENTING ARRANGEMENTS

REFERRED TO IN ARTICLE 4 AND NOT FULLY EXECUTED AT THE
TIME OF THE TERMINATION OF THIS AGREEMENT.

5. ASSUMING THAT FULL TEXT, INCLUDING POINTS OUTLINED IN
PARAS 2, 3, AND 4 ABOVE, MEETS WITH JAPANESE APPROVAL,
REQUEST EMBASSY ELICIT THEIR PREFERENCE RE LOCUS AND
TIMING OF SIGNING CEREMONY. WE HAVE NOTED JAPANESE
DESIRE FOR EARLY RESOLUTION THIS ISSUE AND SHARE THEIR

HOPE THAT PROMPT AGREEMENT MIGHT BE REACHED IN TIME FOR
HIGH LEVEL VISITS MENTIONED IN PARA 3 REFTEL. KISSINGER

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